

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

LOUIS CHARLES HAMILTON, II

V.

**WALTER A. DENNIS and
ROSEMARY DENNIS**

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NO. 1:09-CV-289

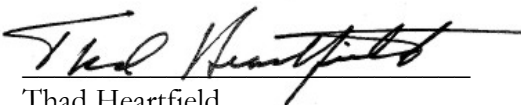
**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The court referred this matter to the Honorable Earl S. Hines, United States magistrate judge, for pretrial proceedings pursuant to a Referral Order filed on April 7, 2009. The court has received and considered the report of the United States magistrate judge, who recommends that the court deny defendant's motion to dismiss, only as it relates to the court's exercise of subject-matter jurisdiction. No objections have been filed.

The magistrate judge's report is hereby **ADOPTED**. It is further

ORDERED that defendant's "Motion to Dismiss Complaint Pursuant to FRCP, Rules 12(b) 1, 2, 3, 6, and 7" (Docket No. 9) is **DENIED**, only as it relates to the court's subject-matter jurisdiction.

SIGNED this the **28** day of **September, 2009**.


Thad Heartfield
United States District Judge